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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/017,650

12/12/2001

Jeffrey A. Carley

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EXAMINER

NGUYEN, DAVID Q

MCI, INC
TECHNOLOGY LAW DEPARTMENT
1133 19TH STREET NW, 10TH FLOOR
WASHINGTON, DC 20036

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,650

Applicant(s)

JEFFREY A. CARLEY ET AL.

Examiner

David Q Nguyen

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some * c) ☐ None of:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 - * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2,4-5,7-9,11-12,14-15,17-19,21-27 and 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Park (US 6075456).

Regarding claim 1, Park discloses a method for remotely activating an inaudible alert mode for a personal communication device (see col. 5, lines 48-65), comprising: sending a signal to the personal communication device for remotely switching to an inaudible alert mode (see col. 4, line 66 to col. 5, line 4; col. 5, line 13-16; and col. 5, lines 48-65); and switching from an inaudible alert mode to an audible alert mode in response to the signal (see col. 4, line 66 to col. 5, line 4; col. 5, line 13-16; and col. 5, lines 48-65).

Regarding claim 2, Park also discloses wherein the signal is sent by a subscriber system to the personal communication device (see col. 4, line 66 to col. 5, line 65).

Regarding claim 4, Park also discloses wherein sending a signal to the personal communication device for remotely selecting an audible alert mode is initiated by calling a subscriber dial-up system (see col. 4, line 66 to col. 5, line 65).

Regarding claims 5 and 7, Park also discloses wherein sending a signal to the personal communication device for remotely selecting an audible alert mode is initiated by making a

request through an operator assisted system; wherein the operator is automated (see col. 4, line 66 to col. 5, line 65).

Regarding claim 8, Park discloses a method for remote configuration of the alert mode of a personal communication device, comprising: sending a wireless alert mode configuration signal to the personal communication device (see col. 4, line 66 to col. 5, line 4; col. 5, line 13-16; and col. 5, lines 48-65); receiving the wireless alert mode configuration signal by the personal communication device (see col. 4, line 66 to col. 5, line 4; col. 5, line 13-16; and col. 5, lines 48-65); configuring the alert mode of the personal communication device in response to the wireless configuration signal (see col. 4, line 66 to col. 5, line 4; col. 5, line 13-16; and col. 5, lines 48-65).

Regarding claim 9, Park also discloses wherein the wireless alert mode configuration signal is sent to the personal communication device by a subscriber service (see col. 4, line 66 to col. 5, line 65).

Regarding claim 11, Park also discloses wherein the wireless alert mode configuration signal is sent to the personal communication device in response to a selection made in a subscriber system (see col. 4, line 66 to col. 5, line 65).

Regarding claim 12, Park also discloses wherein the alert mode configuration is changed from an inaudible alert mode to an audible alert mode (see col. 4, line 66 to col. 5, line 65).

Regarding claim 14, Park discloses a method for remote configuration of an alert mode of a personal communication device, comprising: sending a wireless configuration signal to the personal communication device for reconfiguring the alert mode of the personal communication device (see col. 4, line 66 to col. 5, line 4; col. 5, line 13-16; and col. 5, lines 48-65); receiving the

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wireless reconfiguration signal by the personal communication device (see col. 4, line 66 to col. 5, line 4; col. 5, line 13-16; and col. 5, lines 48-65); reconfiguring the alert mode of the personal communication device in response to the wireless configuration signal (see col. 4, line 66 to col. 5, line 4; col. 5, line 13-16; and col. 5, lines 48-65).

Regarding claim 15, Park also discloses wherein the wireless alert mode configuration signal is sent to the personal communication device by a subscriber service (see col. 4, line 66 to col. 5, line 65).

Regarding claim 17, Park also discloses wherein the wireless configuration signal is sent to the personal communication device in response to a selection made in a subscriber system (see col. 4, line 66 to col. 5, line 65)

Regarding claim 18, Park also discloses wherein the alert mode configuration is changed from an inaudible alert mode to an audible alert mode (see col. 4, line 66 to col. 5, line 65).

Regarding claim 19, Park also discloses wherein the alert mode is configured to a siren or alarm (see col. 4, line 66 to col. 5, line 65).

Regarding claim 21, Park discloses a portable communication device, comprising: a wireless receiver for receiving communication signals (see fig. 1); an audible annunciator that provides alert sounds in response to one or more signals received by the wireless receiver (see fig. 1; col. 3, line 53 to col. 4, line 12); a mode selector that selects between a plurality of alert modes (see fig. 1; col. 3, line 53 to col. 4, line 12); wherein the alert modes may be remotely selected (see fig. 1; col. 3, line 53 to col. 5, line 65).

Regarding claim 22, Park discloses a portable communication device, comprising: a wireless transceiver for sending and receiving communication signals (see fig. 1); an audible

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annunciator that provides alert sounds in response to one or more signals received by the wireless transceiver (see fig. 1; col. 3, line 53 to col. 4, line 12); a mode selector that selects between a plurality of alert modes (see fig. 1; col. 3, line 53 to col. 4, line 12); wherein the alert modes may be remotely selected (see fig. 1; col. 3, line 53 to col. 5, line 65).

Regarding claim 23, Park discloses a portable communication device, comprising: a receiver for receiving wireless communications (see fig.1); an annunciator for providing an audible alert when a communication is received (see fig. 1; col. 3, line 53 to col. 5, line 65); and a mode selector that selects between a plurality of alert modes comprising an audible alert mode and an inaudible alert mode (see fig. 1; col. 3, line 53 to col. 4, line 12); wherein an alert mode may be selected in response to a wireless signal (see fig. 1; col. 3, line 53 to col. 5, line 65).

Regarding claim 24, Park discloses a portable communication device, comprising: a wireless receiver (see fig.1); an annunciator for providing an alert sound in response to a communication received by the wireless receiver (see explanation in claims 21-13); a mode selector for selecting between a plurality of alert modes (see explanation in claims 21-13); wherein the mode may be remotely selected (see explanation in claims 21-13).

Regarding claim 25, Park also discloses wherein the alert mode may be remotely selected by telephone (see col. 4, line 66 to col. 5, line 65).

Regarding claim 26, Park also discloses wherein the alert mode may be remotely selected by a wireless signal (see col. 4, line 66 to col. 5, line 65).

Regarding claim 27, Park discloses a portable communication device, comprising: an audible annunciator (see fig. 1; col. 3, line 53 to col. 5, line 65); a selector for selective deactivation of the audible annunciator in response to a user command (see fig. 1; col. 3, line 53

to col. 5, line 65), wherein the audible annunciator may be remotely reactivated (see fig. 1; col. 3, line 53 to col. 6, line 20).

Regarding claim 32, Park discloses a wireless communication system (see abstract; pager system) comprising: a plurality of personal communication devices (see abstract; pager devices), wherein one or more of the personal communication devices comprises a transducer for providing an alert sound in response to a communication received by the wireless transceiver (see fig. 1; col. 3, line 53 to col. 6, line 20), a mode selector for switching between a plurality of alert modes wherein the mode selector may be remotely switched in response to a wireless alert mode select signal(see fig. 1; col. 3, line 53 to col. 6, line 20); and a subscriber service that provides wireless alert mode select signals (see fig. 1; col. 3, line 53 to col. 6, line 20).

Regarding claim 33, Park discloses a wireless communication system (see abstract; pager system) comprising: a plurality of personal communication devices (see abstract; pager devices), wherein one or more of the personal communication devices comprises a transducer for providing alert sounds (see fig. 1; col. 3, line 53 to col. 6, line 20), and further comprises a mode selector for switching between a plurality of alert modes (see fig. 1; col. 3, line 53 to col. 6, line 20), wherein the mode selector may be remotely switched in response to a wireless alert mode select signal (see fig. 1; col. 3, line 53 to col. 6, line 20); and a wireless transmitter that provides wireless alert mode select signals to one or more of the personal communication devices (see fig. 1; col. 3, line 53 to col. 6, line 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US 6075456).

Regarding claim 20, the method of Park does not mention wherein the siren or alarm is configured to annunciate until a power supply of the personal communication device is exhausted. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate alarm or silent until a power supply of the personal communication device is exhausted so that user can locate user's personal communication device if the user misplaces the personal communication device while it is in an inaudible or silent mode.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US 6075456) in view of Parikh (US 6408177).

Regarding claim 3, Park's method does not mention wherein the signal comprises a user's spoken command. However, Parikh discloses the signal comprises a user's spoken command (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to provide above teaching of Parikh to Park in order to provide user or subscriber with call handling options in a convenient and user-friendly form.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US 6075456) in view of Cotichini et al (US 6300863).

Regarding claim 6, Park's method does not mention wherein sending a signal to the personal communication device for remotely selecting an audible alert mode is initiated by accessing a subscriber system over the Internet. However, Cotichini et al disclose sending a signal to the personal communication device for remotely selecting an alert mode is initiated by accessing a subscriber system over the Internet (see col. 11, lines 50-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide above teaching of Cotichini et al to Park in order to provide user or subscriber with call handling options in a convenient and user-friendly form.

5. Claims 10 and 16, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US 6075456) in view of Sheffer et al (US 5568535).

Regarding claims 10 and 16, Park's method does not mention wherein the wireless alert mode configuration signal is sent to the personal communication device by an operator. However, Sheffer et al disclose the wireless alert mode configuration signal sent to the personal communication device by an operator (see col. 12, lines 26-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide above teaching of Sheffer et al to Park so that provider can help user to locate the PCD while user is out of range of the subscriber's area.

Regarding claim 28 and 30, the personal communication device of Park does not mention wherein the audible annunciator may be reactivated and deactivated by an operator. However, Sheffer et al disclose reactivated and deactivated a unit by an operator (see col. 12, lines 26-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide above teaching of Sheffer et al to Park so that provider can help user to locate the PCD while user is out of range of the subscriber's area.

6. Claims 13, 34-35 ^{are} ~~is~~ rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US 6075456) in view of Beamish et al (US 6694143).

Regarding claim 13, Park's method does not mention wherein the wireless alert mode configuration signal is sent to the personal communication device automatically when it is in a particular location. However, Beamish et al also discloses wherein the wireless alert mode configuration signal is sent to the personal communication device automatically when it is in a particular location (see col. 2, lines 22-28; col. 4, lines 47-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide above teaching of Beamish et al to Park in order to help user to locate user's PCD.

Regarding claim 34-35, the wireless communication of Park does not mention wherein the wireless transmitter is configured to provide the wireless alert mode select signals to the plurality of personal communication devices when they enter a particular location; wherein the wireless alert mode select signals override the alert mode selected by the user while the personal communication device is at the particular location. However, Beamish et al discloses the wireless transmitter is configured to provide the wireless alert mode select signals to the plurality of

personal communication devices when they enter a particular location; wherein the wireless alert mode select signals override the alert mode selected by the user while the personal communication device is at the particular location (see col. 2, lines 20-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide above teaching of Beamish et al to Park in order to help user to locate user's PCD.

7. Claims 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US 6075456) in view of Hanson et al. (US 6332085).

Regarding claims 29 and 31, the personal communication device of Park does not mention wherein the audible annunciator may be reactivated and deactivated by a voicemail system. However, Hanson et al discloses activation and reactivation mode by a voicemail system (see col. 2, lines 58-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide above teaching of Beamish et al to Park in order to help user to locate user's PCD.

8. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US 6075456) in view of Tanaka (US 6332085).

Regarding claim 36, the wireless communication of Park does not mention wherein the wireless alert mode select signals provided by inductive or capacitive coupling. However, Tanaka discloses a pager comprising a capacitor (see col. 2, lines 18-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide above teaching of Tanaka to Park in order to create selected mode in the pager.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DN

David Nguyen


ERIKA GARY
PATENT EXAMINER